

FILED

May 5 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0682

FILED

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

JEANETTE DIAZ, LEAH HOFFMAN-BERNHARDT,  
RACHEL LAUDON, individually and on behalf of  
others similarly situated,

Plaintiffs and Appellants,

v.

BLUE CROSS AND BLUE SHIELD OF MONTANA,  
INC., NEW WEST HEALTH SERVICES, MONTANA  
COMPREHENSIVE HEALTH ASSOCIATION,  
STATE OF MONTANA, and JOHN DOES 1-100,

Defendants and Appellants.

ORDER

Blue Cross and Blue Shield of Montana, Inc., (BCBS) has moved for an order striking Exhibits 3-10 from the Appellants' appendix to their opening brief, as well as any reference, statement, argument, or citation to or about those exhibits. BCBS states that none of the identified exhibits are part of the district court record. Counsel for the Appellants objects to the motion to strike, stating Exhibits 3-10 are pleadings from related lawsuits in Montana courts, and that we can take judicial notice of those proceedings.

It appears the Appellants are correct that their Exhibits 3-10 are copies of pleadings from other Montana cases of which we may take judicial notice under M. R. Evid. 201.

THEREFORE,

IT IS ORDERED that the motion to strike is DENIED.

The Clerk is directed to provide copies of this Order to all counsel of record.

DATED this 4th day of May, 2010.

  
Chief Justice

W. William Byrheart

Patricia Cotten

Jim Rice

Justices